

Message Text

UNCLASSIFIED

PAGE 01 LISBON 01131 210209Z

12

ACTION PPTE-00

INFO OCT-01 SCA-01 ISO-00 INSE-00 VO-03 L-03 EUR-12 AF-06

/026 W

----- 057408

R 201455Z FEB 76

FM AMEMBASSY LISBON

TO AMEMBASSY LIBREVILLE

AMCONSUL OPORTO

AMCONSUL PONTA DELGADA

INFO SECSTATE WASHDC 6075

UNCLAS LISBON 1131

E.O. 11652: N/A

TAGS: CPAS PO

SUBJ: PORTUGUESE ELECTION OF 1976

REF: STATE 39297, LISBON 924, AND DEPT OM OF 1/29/75 (ALL NOTAL)

SUMMARY: UNDER SECTION 350 OF THE INA, A PERSON HOLDING BOTH AMERICAN AND PORTUGUESE NATIONALITY FROM BIRTH WOULD COMMIT AN EXPATRIATING ACT BY VOTING IN ANY OF THE FORTHCOMING PORTUGUESE ELECTIONS. OWING TO THE NATURE OF ACQUIRING PORTUGUESE NATIONALITY AT BIRTH, THIS PROVISION OF LAW APPLIES ONLY TO PERSONS BORN IN WHAT WAS AT THE TIME PORTUGUESE TERRITORY. END SUMMARY

1. AT OUR REQUEST, WE HAVE JUST RECEIVED THE DEPARTMENT'S ADVISORY OPINION CONFIRMING AN EARLIER OPINION THAT HAD BEEN REQUESTED AT THE TIME OF THE PORTUGUESE ELECTION OF 1975 SAYING THAT UNDER SECTION 350 OF THE IMMIGRATION AND NATIONALITY ACT, A PERSON WHO ACQUIRED AMERICAN AND ANOTHER NATIONALITY

AT BIRTH WOULD BE ENDANGERING HIS AMERICAN CITIZENSHIP IF HE VOLUNTARILY PARTICIPATED IN AN ELECTION HELD IN THE COUNTRY OF HIS ALTERNATIVE NATIONALITY. WITH RESPECT TO THE 1975 AND 76 PORTUGUESE ELECTIONS, THE DEPARTMENT'S OPINION DISCUSSED UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LISBON 01131 210209Z

FOR MAIN POINTS:

A. SECTION 350 APPLIES ONLY TO PERSONS WHO ACQUIRED BOTH AMERICAN AND PORTUGUESE NATIONALITY AT BIRTH. IT DOES NOT APPLY TO NATURALIZED CITIZENS. THE EMBASSY NOTES, HOWEVER, THAT UNDER THE TERMS OF THE AMERICAN-PORTUGUESE NATIONALITY TREATY OF 1908, NATURALIZED PERSONS OUGHT NOT BE CONSIDERED DUAL NATIONALS.

B. UNDER THE PORTUGUESE CIVIL CODE, A PERSON BORN TO A PORTUGUESE FATHER OUTSIDE OF PORTUGUESE TERRITORY MUST FULFILL FURTHER REQUIREMENTS BEFORE ACQUIRING PORTUGUESE NATIONALITY. SUCH A PERSON IS CONSIDERED NOT TO HAVE ACQUIRED PORTUGUESE NATIONALITY AT BIRTH; CONSEQUENTLY, SECTION 350 APPLIES ONLY TO PERSONS BORN IN WHAT WAS AT THE TIME PORTUGUESE TERRITORY.

C. SINCE PARTICIPATION IN THE PORTUGUESE ELECTIONS OF 1975 AND 76 IS VOLUNTARY, THE PROVISIONS OF SECTION 50 APPLY. SINCE REGISTRATION

TO VOTE IS MANDATORY, THE PROVISIONS DO NOT APPLY TO THE ACT OF REGISTRATION.

D. SECTION 350 HAS A SUBSEQUENT RESIDENCY PROVISION THAT COULD BE A SAVINGS PROVISION IN THESE CASES.

2. COPIES OF THE DEPARTMENT'S ADVISORY OPINION OF JAN 29, 1975 WERE SENT TO OPORTO AND PONTA DELGADA AT THAT TIME. A COPY IS BEING POUCHED TO LIBREVILLE FOR THE GUIDANCE OF DUAL NATIONALS RESIDENT IN CAPE VERDE.

OKUN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976LISBON01131
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760065-0075
From: LISBON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760231/aaaabahn.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION PPTE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 39297, 76 LISBON 924
Review Action: RELEASED, APPROVED
Review Authority: ullricre
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 JUL 2004 by oatisao>; APPROVED <27 AUG 2004 by ullricre>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PORTUGUESE ELECTION OF 1976
TAGS: CPAS, PO
To: PPT LIBREVILLE PONTA DELGADA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006